

Environmental Analysis
Block Dot Replacement Cross Fence Construction
NM-060-02-0052
Allotment #64092
Bureau of Land Management
Roswell Field Office
Roswell, New Mexico
March 20, 2002

Location:

T. 9 S., R. 22 E.
Section 22, E $\frac{1}{2}$ E $\frac{1}{2}$
Section 27 E $\frac{1}{2}$ E $\frac{1}{2}$
Section 34 E $\frac{1}{2}$ E $\frac{1}{2}$
Chaves County
New Mexico Principal Meridian

I. INTRODUCTION

Need For the Proposed Action

The need for the proposed action is to provide pasture fencing for livestock with the re-construction of 4 strand fence (3 barbed wire, 1 smooth wire) across public land. The entire length of fenceline is approximately 2.0 miles. This fence will replace 2 miles of aging netwire/barbed wired fence.

Existing fences, water developments, and other range improvements needed to implement grazing systems or other management plans were incorporated or new ones were designed during specific management plan development. Other range improvements may be addressed as the need becomes apparent on allotments without documented allotment management plans. No Allotment Management Plan is currently on file for this allotment with the Bureau of Land Management.

Range fencing and water developments facilitate the handling of and caring for livestock. The location of fence developments on rangeland is important in controlling the movement, distribution, and concentrations of livestock.

Conformance with Land Use Plans: The proposed activity is addressed as part of the Roswell Resource Management Plan (October, 1997).

Relationship to Statutes, Regulations, or Other Plans: The construction of fences as range improvements, either under Cooperative Agreement or Range Improvement Application is addressed under the 43 Code of Federal Regulations, Parts 4100, Grazing Administration, Exclusive of Alaska., Subpart 4120.3

Other Statues, Regulations or Plans are:

The Taylor Grazing Act of 1934, as amended (43 U.S.C. 315 (a)-(r))

The Federal Land Policy and Management Act of 1976, as amended (Pub. L. 94-579, 43 U.S.C. 1702 et seq), Sections 302 (a) & (b), Section 502 (a) & (c)

The Public Rangelands Improvement Act of 1978, as amended (Pub. L. 95-514, 43 U.S.C. 1901 et seq),

The National Environmental Policy Act of 1969, as amended (Pub. L., 91-190, 42 U.S.C. 4321-4347) Sec. 101

II. PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action

The proposed action is the construction of a four strand fence; 3 barbed wire, bottom wire smooth, replacing an aging netwire/barbed wire fence.

The fence will be constructed using the standard construction methods.

The fence will replace an existing fence of netwire constructed on the allotment in 1962, and no other fences are planned on the ranch. The location of the proposed fence is T. 9 S., R. 22 E., Sections 22, 27 and 34, Chaves County, New Mexico Principal Meridian.

The fences will be located on public and private surface and will be constructed under a Cooperative Range Improvement Agreement. The allottee will be responsible for the removal of the existing fence across private and public land. (See attached Map)

Standard measures that will be included in the authorization for these projects are:

No blading will occur on public land, unless authorized by the Authorized Officer.

Fences shall be flagged to warn big game of the new structures. White topped fence posts may be used along with flagging.

Fence post spacing shall be up to 150 feet.

BLM reserves the right to alter any fence on federal land should it be necessary for wildlife purposes.

No road is authorized as a part of this project for construction or maintenance.

Gates will be installed on existing roads to ensure public access.

Brush will be cleared by hand with hand tools.

The co-operator shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this authorization.

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator's/contractor behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the

loss of significant cultural or scientific values. The co-operator/contractor shall be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer after consulting with the co-operator/contractor.

The co-operator/contractor is hereby obligated to comply with procedures established in the Native American Grave Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of the implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes.

The co-operator/contractor shall be responsible for maintaining the site in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper authorizations may pass over, under, or through the range improvement authorized by the Permit/Agreement. Appropriate stipulations by the BLM to other users will protect the stability and purpose of this improvement.

2. Alternatives

1. **No Action - Alternative 1**

This alternative would leave the existing fence "as is". By not replacing the netwire fence with barbed wire, wildlife utilizing the area would continue to become entangled in the deteriorating fence. The allotment no longer is utilized by sheep or goats, and so netwire fence is no longer appropriate.

2. **Locate Elsewhere - Alternative 2**

This alternative would re-route the entire proposed fence. The alternatives would: a. add length to the fenceline; b. would cause more impact to the affected resources on the alternate route or c. would not be economical to install, maintain or use. To re-route the fenceline would cause a concentration of the livestock use to one side of the ranch or the other.

This alternative will not be given further consideration in this report; fewer environmental impacts would result from the action as proposed.

III. AFFECTED ENVIRONMENT

General Setting

The affected environment of the area is generally discussed in the Roswell Resource Management Plan (Oct. 1997). Only those resources actually impacted by the proposed action will be addressed in this document.

The proposed fence is to be located on the Block Dot Allotment #64092. The Block Dot allotment is located approximately twenty miles west of Roswell, lying on the north side of Highway 48, Pine Lodge Road.

The major regional industries are ranching, with some oil and gas development, as well as seasonal hunting.

Affected Resources

The critical elements of ACEC's, Air Quality, Prime or Unique Farmlands, Floodplains, Native American Religious Concerns, Hazardous or Solid Wastes, Water Quality, Wetland and Riparian Zones, Wild and Scenic Rivers, Low Income/Minority Populations and Wilderness will not be affected. A cultural clearance was completed for the fences on October 31, 2001, no artifacts or other cultural sites were found.

Soils: The project area for the Block Dot fence includes the Ector-Rock outcrop complex, dry, hilly. Elevations are from 3,700 to 4,300 feet. The Ector extremely cobbly loams soils are dry with 15 to 30 percent slope, found usually on low hills and ridges, while the Rock outcrops are on ridge shoulders and escarpments. The Ector soil is shallow and well drained, formed in residuum derived dominantly from limestone. Permeability is moderate while water availability capacity is very low. Effective rooting depth is 7 to 20 inches, runoff is rapid, and the hazard of water erosion is high. The hazard of soil blowing is slight. The rock outcrops are areas of exposed limestone, supporting little if any vegetation.

Vegetation: The pipeline area predominately fits the Limestone Hills SD-3 Range Site description. The vegetation for these sites at climax (potential) are grasses such as black grama, sideoats, and hairy grama. The shrub component includes creosote, fourwing saltbush, javalinabush, littleleaf sumac and catclaw mimosa, while forbs such as bladderpod, leatherweed croton and globemallow occur.

Invasive, Non-Native Species: There are currently no known Non-native, Invasive species in the immediate area of the proposed fence construction area.

Visual: The proposed route for the fence is contained in an area which is considered to be both Class III and Class IV Visual Resource Class Areas; Class III allows for contrasts to the basic elements caused by a management activity may be evident and begin to attract attention in the

landscape. Changes should remain subordinate in the existing landscape. Class IV provides for management activities which require major modification to the existing character of the landscape. The level of change in these areas can be high.

Wildlife: The project areas provide habitat for desert mule deer, pronghorn antelope, bobwhite, scaled quail, mourning dove, raptor species, and various non-game species.

Threatened or Endangered Species: There are no known threatened or endangered species of plant or animals on Allotment 64092. A list of federal threatened, endangered and candidate species reviewed for this EA can be found in Appendix 11 of the Roswell Approved RMP (AP11-2). There are no designated critical habitat areas within this allotment. The swift fox is a Federal Candidate species that may occupy or utilize the area; refer to the Biological Opinion (AP11-38) in the Roswell RMP for a detailed description of the range, habitats and potential threats. The mountain plover has been recently proposed for listing as an Endangered Species. It is associated with shortgrass and shrub-steep landscapes throughout its breeding and wintering range. Historically, on the breeding range, it occurred on nearly denuded prairie dog towns and in areas of major bison concentration. The mountain plover are considered to be strongly associated with sites of heaviest grazing pressure, to the point of excessive surface disturbance. Short vegetation, bare ground, and a flat topography are now recognized as habitat-defining characteristics at both breeding and wintering locales.

IV. ENVIRONMENTAL IMPACTS

Impacts of the Proposed Action

The impacts from the proposed action will be made during the construction of the fence. Short term negative impacts would include: vegetation disturbance will be localized to the immediate area of the project. Vegetation will be destroyed where the posts are set, but the disturbed area will naturally re-vegetate within two growing seasons with adequate precipitation. As this fence is a replacement fence, no impacts to the visual resources are expected. Impacts from the proposed construction activity may cause temporary disruption of wildlife activity within the immediate vicinity of the project area during construction.

Impacts of the Alternatives

Under the No Action alternative the fence would not be constructed, and the associated impacts of that construction would not occur.

Mitigation Measures and Residual Impacts

Mitigating Measures: No additional mitigating measures will be needed if the standard operating procedures and design features previously discussed are adhered to.

Residual Impacts: Implementation of the proposed action or of the alternative of a different location would have the same potential for unavoidable temporary adverse environmental impacts.

Cumulative Impacts: The results of the proposed action will not substantially change the plant and animal communities of the project area

V. PERSONS OR AGENCIES CONSULTED

The following are people who have been consulted for their comments in regards to the proposed action in addition to the resource area specialists. The comments and suggestions expressed during the consultation have been incorporated into this EA.

Tony Treat, Block Dot, Inc Allottee of Allotment #64092

Prepared by:

Helen C.J. Miller, Rangeland Management Specialist

Date

FINDING OF NO SIGNIFICANT IMPACT/ DECISION RECORD
Block Dot Barbed Wire Fence Construction, EA NM-060-02-0052

FINDING OF NO SIGNIFICANT IMPACT: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined the proposed action is not expected to have significant impacts on the environment and that preparation of an Environmental Impact Statement is not warranted.

DECISION: It is my decision to authorize the construction of the barbed wire replacement fence to maintain proper range management, while allowing easy movement of wildlife on Allotment #64092, Block Dot Ranch.

Location of the fence is as follows:

Block Dot Fences T. 9 S., R. 22 E., Sec. 22 E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 27 E $\frac{1}{2}$ E $\frac{1}{2}$ and Sec. 34 E $\frac{1}{2}$ E $\frac{1}{2}$
All in Chaves County, New Mexico Principle Meridian.
(Please refer to the map in the Environmental Assessment.)

The surface protection procedures set forth in the proposed action have been incorporated into the Environmental Assessment. Any comments made to this proposed action were considered and addressed.

Rationale for Recommendations: The decision to authorize the proposed action does not result in any undue or unnecessary environmental degradation. The action is consistent with planned actions presented in the Roswell Resource Management Plan, Oct, 1997.

In accordance with 43 Code of Federal Regulations, Part 4100, Sec 4160.2, any applicant, permittee, lessee or other affected interests may protest this proposed decision in person or in writing to the authorized officer, within 15 days after receipt of this decision. Please be specific in your points of protest.

In the absence of a protest, this proposed decision will become the final decision without further notice. Any person who is adversely affected by a final decision of the authorized officer may file a written appeal to the Final Decision for the purpose of a hearing before an administrative law judge under 43 CFR 4.470. A period of 30 days after the decision becomes final is provided in which to file an appeal and a petition for stay of the decision in this office (43 CFR §4160.3 [c] and §4160.4).

/s/T R Kreager
T. R. Kreager, Assistant Field Office Manager, Resources

5/8/02
Date

STIPULATIONS

1. No blading will occur on public land, unless authorized by the Authorized Officer.
2. Fences shall be flagged to warn big game of the new structures. White topped fence posts may be used along with flagging.
3. Fence post spacing shall be up to 150 feet..
4. Wire spacing should no less than 18 inches from the ground and shall not exceed 36 inches in height. Spacing between the upper "hot" wire and the bottom "cold" wire should be 3 to 6 inches. Wire should be 12½ gauge, high tensile wire.
5. Warning signs are required on electric fences. The interval for the warning signs should not exceed 300 feet. These warning signs normally state "Warning!! Electric Fence" or "Warning!! Live Wire".
6. BLM reserves the right to alter any fence on federal land should it be necessary for wildlife purposes.
7. No road is authorized as a part of this project for construction or maintenance.
8. Gates will be installed on existing roads to ensure public access.
9. Brush will be cleared by hand with hand tools.
10. The co-operator shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this authorization.
11. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the co-operator/contractor or any person working on the co-operator's/contractor behalf, on public or Federal land shall be immediately reported to the authorized officer. The co-operator/contractor shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The co-operator/contractor shall be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer, after consulting with the co-operator/contractor.

12. The co-operator/contractor is hereby obligated to comply with procedures established in the Native American Grave Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of the implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes.
13. The co-operator/contractor shall be responsible for maintaining the site in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
14. The approval of the Permit/Agreement does not convey the right to prevent other lawful uses from occurring. The applicant/cooperator understands that other lawful users with proper authorizations may pass over, under, or through the range improvement authorized by the Permit/Agreement. Appropriate stipulations by the BLM to other users will protect the stability and purpose of this improvement.